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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/471,490

Applicant(s)

GANESAN ET AL.

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 is/are allowed.
- 6) ☒ Claim(s) 26-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date August 20, 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment dated August 10, 2004 has been fully considered with the following effect:

- a) Claims 1-25 are allowable.
- b) Claims 26-49 are rejected.

Response to Arguments

2. The applicant's arguments filed August 10, 2004 have been fully considered but they are not persuasive.

3. Applicant argues that the message in Powar (6,285,991) has only one component instead of a message having a first component and a second component as claimed, examiner maintains that the final message is sent to the recipient from the sender includes two parts: a first part is the message encrypted with the session key (col. 4, lines 17-18) and a second part is the session key encrypted with the recipients public key (col. 4, lines 18-19) as Powar discloses.

4. As to claims 40 and 42, applicant argues that Powar discloses multiple keys, each associated with a different entity and Powar does not teach the recited limitations, examiner maintains that the first crypto key is the symmetric session key, generated by the sender (col. 4, lines 14-17) and the second crypto key is the non-symmetric crypto key, associated with the recipient (col. 4, lines 18-19).

Claim Rejections - 35 USC § 101

5. Claims 26-49 are rejected under 35 U.S.C. 101 because 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 26-49 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

a) As to claims 26 and 39, it is directed to an electronic message, an electronic message is a data structure and non-functional descriptive material.

b) As to claim 43, it is directed to an extended network universal resource locator (URL), a URL is a data structure and non-functional descriptive material.

Any claim not specifically discussed is rejected because it depends on one of the claims discussed above.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 26-49 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the ones that embody the claimed invention in a manner so as to be executable.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 39-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Powar, (6,285,991).

a) As to claim 39, Powar discloses in practice sender encrypts the message, which reads on a first component, with the session key used in a symmetric encryption algorithm; encrypts the session key, which reads on a second component, with the recipients public key and sends both to the recipient (col. 4, lines 11-19).

b) As to claim 40, Powar discloses the session key is the symmetric crypto key associated with a first entity, which reads on a sender (col. 4, lines 15-16), and the recipients public key is the non-symmetric crypto key associated with a second entity, i.e. a recipient (col. 4, lines 18-19).

c) As to claim 41, the examiner takes official notice that the symmetric key is known only to the first entity.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the symmetric key is known only to the first entity in the system of Powar so as to keep the message in a secure secret, the key is only known to the sender i.e the first entity but no one else.

d) As to claim 42, Powar discloses the non symmetric crypto key is a private crypto key of a joint private public crypto key pair associated with the second entity, as also well known in the cryptography community (col. 3, lines 39-45).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

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mdn
1/19/05

Minh Dieu Nguyen
Examiner
Art Unit 2137

Andrew Caldwell

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**